

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

RAYMOND STANLEY §
VS. § CIVIL ACTION NO. 5:15cv43
WARDEN SCOTT YOUNG §

MEMORANDUM OPINION AND ORDER

Raymond Stanley, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has filed a motion (doc. no. 3) seeking leave to proceed *in forma pauperis* in this matter.

Discussion

Petitioner has submitted an application to proceed *in forma pauperis*. The application states that on the date it was prepared, petitioner had a balance of \$132.67 in his inmate trust account.

Since 1892, Congress has permitted indigent persons to bring lawsuits in federal courts without prepayment of filing fees. Act of July 20, 1892, ch. 209.27 Stat. 252 (codified, as amended, at 28 U.S.C. § 1915). The applicable statute is intended to provide access to the federal courts for litigants who lack the financial resources to pay any part of the statutory filing costs. However, a district court may order users of the courts to pay the filing fees when they are financially able to do so. See *Williams v. Estelle*, 681 F.2d 946 (5th Cir. 1982).

Based on the available balance in petitioner's inmate trust account, it is clear he has sufficient assets to pay the \$5 filing fee applicable to his petition. Accordingly, petitioner will be

denied leave to proceed *in forma pauperis* and directed to pay the \$5 filing fee.

ORDER

For the reasons set forth above, petitioner's motion to proceed *in forma pauperis* is **DENIED**. Petitioner shall pay the \$5 filing fee within 30 days of the date set forth below.

SIGNED this 5th day of June, 2015.



CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE